

30010. Adulteration and misbranding of tincture of iodine. U. S. v. Dermay Perfumers, Inc. Plea of guilty. Fine, \$100. (F. & D. Nos. 38629, 39743. Sample Nos. 1026-C, 6627-C, 15938-C, 22545-C, 22699-C.)

This product was sold under a name recognized in the United States Pharmacopoeia, but contained a smaller amount of iodine than required by that authority.

On August 18, 1938, the United States attorney for the Southern District of New York, acting upon reports by the Secretary of Agriculture, filed in the district court an information against Dermay Perfumers, Inc., New York, N. Y., alleging shipment by said company in violation of the Food and Drugs Act within the period from on or about September 11, 1935, to on or about January 19, 1937, from the State of New York into the States of Mississippi, Georgia, and Florida, of quantities of tincture of iodine that was adulterated and misbranded. A portion of the article was labeled: (Bottle) "U. S. P. Tincture Iodine * * * Tip Top Products Co., New York, Chicago [or "Liberty Products Co., Erie., Pa.]" ; (carton) "Tincture of Iodine U. S. P., Double strength." The remainder was labeled: "U. S. P. Tincture Iodine * * * First Aid Prod. Corp., N. Y."

The article was alleged to be adulterated in that it was sold under a name recognized in the United States Pharmacopoeia but differed from the standard of strength, quality, and purity as determined by the test laid down therein since it contained less than 6.5 grams of iodine per 100 cubic centimeters; whereas the pharmacopoeia provides that tincture of iodine shall contain not less than 6.5 grams of iodine per 100 cubic centimeters, and the standard of strength, quality, and purity of the article was not declared on the container.

Misbranding was alleged in that the following statements in the labeling, (bottles, all lots) "U. S. P. Tincture Iodine," (cartons, one lot) "Tincture of Iodine U. S. P., Double Strength," (cartons, remaining lots) "U. S. P., Tincture (nc) Iodine," were false and misleading in that they represented that the article was tincture of iodine which conformed to the standard laid down in the United States Pharmacopoeia; whereas it did not conform to the standard laid down in the pharmacopoeia for tincture of iodine, nor for tincture of iodine double strength.

On November 7, 1938, a plea of guilty was entered on behalf of the defendant and the court imposed a fine of \$100.

HARRY L. BROWN, *Acting Secretary of Agriculture.*

30011. Adulteration and misbranding of Q-Tips. U. S. v. 1 Gross of Q-Tips (and 2 other seizure actions against the same product). Default decrees of condemnation and destruction. (F. & D. Nos. 42477, 43409, 43183. Sample Nos. 17360-D, 33665-D, 33670-D.)

This product was represented to consist of boric-tipped, sterilized swabs. It contained, however, but a trace of boric acid or other borate and when examined, was contaminated with viable micro-organisms. A circular shipped with two of the lots bore false and fraudulent representations regarding its curative and therapeutic effects, and other misrepresentations.

On May 27, August 1, and August 20, 1938, the United States attorney for the District of Maryland, acting upon reports by the Secretary of Agriculture, filed in the district court libels praying seizure and condemnation of 1 gross and 366 packages of Q-Tips at Baltimore, Md.; alleging that the article had been shipped in interstate commerce within the period from on or about March 19, 1938, to on or about July 22, 1938, by the John M. Maris Co. from Philadelphia, Pa.; and charging adulteration and misbranding in violation of the Food and Drugs Act as amended.

Adulteration was alleged in that the strength and purity of the article fell below the professed standard and quality for which it was sold, namely, (carton, one lot) "Boric Tipped," (leaflet, same lot) "Sterilized * * * Q-Tips are * * * sterilized * * * They are tipped * * * with * * * sterilized cotton and tipped with boric acid," and (carton, remaining lots) "Boric Tipped * * * Safe and Sanitary, Sterilized," since the article was not sterile and contained but an inconsequential amount of boric acid or other borate.

Misbranding was alleged in that the statements (cartons, all lots) "Boric Tipped Safe and Sanitary," (leaflet, two lots) "Sterilized—Safe—Sanitary swabs * * * Q-Tips are * * * Sterilized They are tipped * * * with * * * sterilized cotton and tipped with boric acid. The cellophane wrapper protects Q-Tips from germs," were false and misleading. The product contained in two of the shipments was alleged to be misbranded further in that